IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.413 OF 1988

Smt. Kalpana Madhav Sandu & Ors. ..Appellants.
Vs.
D.K. Sandu Brothers Chembur Private Ltd. ..Respondent.

....

Ms. Monica D'Souza i/b A.K. Abhyankar for the Appellants.
Mrs. Shah h/f K.D. Shah for the Respondent.

....

CORAM : DR.D.Y.CHANDRACHUD, J.

16th September, 2004.

P.C. :

This matter has been placed before the Court in view of the precipe dated 19th August, 2004 of the learned advocate for the Appellants. The learned counsel representing the Appellants and the Respondent are present. A representative of the Court Receiver is present before the Court.

A joint purshis signed by the advocates for the parties is tendered which is taken on record and marked as X-1. Both the learned counsel are agreed in stating that the Appellants have in pursuance of the Consent Terms which were tendered before the Court on 6th May, 2004 surrendered possession of the premises to

the Respondent. The Respondent has deposited an amount of Rs.2,50,000/- before the Court Receiver in pursuance of the Consent Terms. The only limited prayer which has been made before the Court is that a formal direction allowing the Appellants to withdraw the deposited amount has remained to be included in the Consent Terms. By consent of the parties, it is directed that the Appellants shall be permitted to withdraw the amount of Rs.2,50,000/- deposited with the Court Receiver. The Respondent agrees to pay the Receiver's charges forthwith.

All parties and the Receiver to act on an authenticated copy of this order issued by the office of this Court.